

NOTE: These are **proposed** guidelines that have not been submitted to the court for approval.  
Last revised October 7, 2011.

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## Section I. General Information

### A. PURPOSES

1. To establish a standard of support for children consistent with the reasonable needs of children and the ability of parents to pay.
2. To make child support orders consistent for persons in similar circumstances.
3. To give parents and courts guidance in establishing child support orders and to promote settlements.
4. To comply with state law (Arizona Revised Statutes, Section 25-320) and federal law (42 United States Code, Section 651 et seq., 45 Code of Federal Regulations, Section 302.56) and amendments, if any.

### B. PREMISES

1. These guidelines apply to all children, whether born in or out of wedlock, and their parents.
2. Because child support has priority over all other financial obligations, the existence of other obligations generally provides no reason for deviating from the guidelines. The guidelines themselves explain how to take account of other legal support obligations in calculating the support required for the children to whom they are being applied.
3. A parent who receives child support may also be entitled to spousal maintenance.

4. A court establishing both child support and spousal maintenance shall first determine the appropriate amount of spousal maintenance and then follow the provisions of these guidelines in taking spousal maintenance into account in setting the amount of child support.
5. Support provided to other persons for whom the parent has no legal duty of support, such as the parent's stepchildren or parents, provides no basis adjusting the amount of child support due under these guidelines.
6. In appropriate cases, a custodial parent may be ordered to pay child support.
7. The child support calculation is based on adjusted gross income, as defined in these guidelines.
8. Child support is set in equal monthly amounts. Therefore, monthly figures are used to calculate the child support obligation. Average monthly figures should be used when income or expense amounts fluctuate over the course of a year.

**EXAMPLE OF  
FLUCTUATING EXPENSES:**  
*At a child support hearing in a paternity action a custodial parent requests an adjustment for childcare costs (Section II(G)(3)). The parent incurs childcare costs of \$150 per month but only for nine months of the year. The adjustment for childcare costs must be annualized as follows:*

*Multiply the \$150 monthly cost times the nine months that the cost is actually paid each year, for an annual total of \$1,350. Divide this total by 12 months to arrive at an annualized monthly adjustment of \$113 that may be added to the Basic Child Support Obligation when determining the child support order.*

9. When determining the basic child support obligation under Section II (F), the amount derived from the Schedule of Basic Child Support Obligations shall not be less than the amount indicated on the Schedule:
  - a. For six children where there are more than six children.
  - b. For the combined adjusted gross income of \$20,000 where the actual combined adjusted gross income of the parents is greater than \$20,000.

## **C. PRESUMPTION AND APPLICATION**

These guidelines apply to all actions involving establishment of child support, past child support, or modification of child support. The court shall order the amount under these guidelines absent a deviation pursuant to Section IV(A).

Except for defaults or as otherwise agreed upon by the parties, all child support orders entered after (\_\_\_\_\_, 2012) shall be made pursuant to these guidelines,

whether they be original orders or modifications of pre-existing orders, unless the court determines otherwise based on good cause shown. In cases of default, the guidelines in effect at the time of filing the action will be used. The parties may agree to use either the guidelines in effect at the time of filing the action or those in effect at the time the order is entered.

A substantial variance between an existing child support order and an amount resulting from application of the new guidelines may be considered evidence of a substantial and continuing change of circumstances for purposes of a modification. A variance of at least 15% would be evidence of a substantial and continuing change of circumstances.

## **D. BASIS OF GUIDELINES**

The Arizona Child Support Guidelines are based on the financial resources and needs of the child and of each parent, the standard of living the child would have enjoyed in a two-parent household, and the allocation of parenting time, as contemplated by A.R.S. Section 25-320(D).

## **E. DEFINITIONS**

These definitions are for the purpose of these guidelines only.

**Adjusted Gross Income:** Adjusted gross income is gross income minus the adjustments provided in Section II(D) of these guidelines. This amount may differ from adjusted gross income for tax purposes.

**Alternate Deduction:** If a parent provides support for a child that is not the subject of this action and for which there is no court order for support, the parent may include this

monthly support amount in the child support calculation; however, the alternate deduction may not exceed the standard deduction that is automatically calculated.

**Annualize Paid Amounts:** Monthly figures are used to calculate the child support obligation. Any adjustments to the child support amount shall be annualized so that each month's child support obligation is increased or decreased in an equal amount, instead of the obligation for particular months being abated, increased, or decreased. Example found in Childcare Costs Section II(G)(3).

**Arrears:** The total unpaid support obligation owed by a person under a court order to pay support.

**ATLAS Number:** An ATLAS number is the "Arizona Tracking and Location Automated System" number given to child support cases. This is the account number for support payments at the Support Payment Clearinghouse. The ATLAS case number begins with numbers rather than letters.

**Basic Child Support Obligation:** The amount found in the Schedule of Basic Support Obligations. This amount is based on the parents' combined adjusted gross income and number of children. The Basic Child Support Obligation Schedule is part of these guidelines.

**Calculator:** The child support calculator located on the Arizona Judicial Branch website is accessible at:  
<http://www.azcourts.gov/familylaw/2011ChildSupportCalculator.aspx>

**Children of Other Relationships:** Means natural or adopted children who are not the

subject of this particular child support determination.

**Custodial Parent:** The parent with greater parenting time, unless the parents share equal parenting time.

**Deviation from the Application of the Guidelines:** The court may order support that deviates from the guidelines after considering all relevant factors, including those set forth in A.R.S. Section 25-320(D) and applicable case law, if certain criteria are met. See Section IV(A).

**Equal Parenting Time:** A parenting time arrangement that allows both parents to spend essentially equal time each year with the child or children.

**Extra Education Expenses:** Extra education expenses refer to any reasonable and necessary expenses for attending private or special schools or necessary expenses to meet particular educational needs of a child, when such expenses are incurred by agreement of both parties or ordered by the court.

**Extraordinary Child Expenses:** Extraordinary expenses are associated with the special needs of a child, when such expenses are incurred by agreement of both parties or ordered by the court.

**Gross Income:** Gross income includes income from any source as outlined in Section II(B).

**Guideline Support Amount:** The guideline support amount is the amount resulting from the application of these guidelines, unless a written finding is made that application of the guidelines would be inappropriate or unjust in a particular case.

**Noncustodial Parent:** The parent with less parenting time, unless the parents share equal parenting time.

**Obligee:** The person who is to receive child support payments.

**Obligor:** The person who owes a child support obligation.

**Parenting Time:** The number of days per year that a parent has physical custody of the child, as calculated in Section II(J).

**Parenting Time Adjustment:** An adjustment to the preliminary support amount to reflect parenting time as calculated under Section II(J).

**Parent's Worksheet for Child Support Amount:** The worksheet is a printable version of the entries and amounts from the child support calculator. (Also referred to as the "worksheet.")

**Preliminary Child Support Obligation:** The total child support obligation adjusted for parenting time.

**Presumptive Termination Date:** Upon entry of an initial or modified child support order, the court shall, or in any subsequent action relating to the child support order, the court may, establish a presumptive termination date (PTD) for the termination of current child support obligation. The presumptive termination date is the last day of the month of the 18<sup>th</sup> birthday of the youngest child included in the order, unless the court finds that it is projected that the youngest child will not complete high school by age 18. In that event, the presumptive termination date is the last day of the month

of the anticipated graduation date or age 19, whichever occurs first.

**Simplified Application of the Guidelines:** The simplified application of the guidelines is the amount located in the schedule based on the gross monthly income of the parent claiming this adjustment and number of children subject to this adjustment.

**Standard Deduction:** The standard deduction is the amount that is automatically calculated (based on a simplified application of the guidelines) and inserted into the calculator. This amount may not be exceeded by an alternate deduction for support provided to other natural or adopted children who are not subject of a court order.

**Title IV-D Matter:** (Pronounced "four-D"). Title IV-D of the Social Security Act is that portion of the federal law covering the child support enforcement program. The Division of Child Support Enforcement (DCSE) is the agency providing the child support enforcement program in Arizona.

**Total Child Support Obligation:** The total child support obligation is the amount of the basic child support obligation plus the amount of the adjustments for older children, health insurance, extra education expenses, and extraordinary expenses.

## **Section II. Determining the Guideline Support Amount**

### **A. INCOME**

#### **Basic Principles for Determining the Parental Income Considered in the Guidelines**

1. The child support amount is based on the adjusted gross incomes of the child's parents, calculated according to the principles set forth in this section. The income of a parent's new spouse is not counted or included as income of the child's parent.
2. Each parent's gross income and adjusted gross income is determined as set forth in this section.

### **B. INCLUSIONS TO GROSS INCOME OF THE PARTIES**

1. Gross income includes income from any source and may include, but is not limited to, income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits (subject to Section IV(F)), received directly by either parent and not on behalf of a child, worker's compensation benefits, unemployment insurance benefits, disability insurance benefits, recurring gifts, and prizes. Seasonal or fluctuating income shall be averaged. Income from any source that is not continuing or recurring in nature need not be included as income for child support purposes.

2. Cash value may be assigned to in-kind or other non-cash benefits or to recurring contributions from any sources that reduce living expenses. For example, while the court may not consider the income of a new spouse, the court may consider the extent to which contributions from a new spouse, or others, reduce expenses and, if the court finds that regular or substantial contributions from a new spouse, or others, reduce living expenses, the court may determine the value of the reduced expenses and add that amount to the income of that party.
3. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and reasonable expenses required to produce income. Ordinary and reasonable expenses include one-half of the self-employment tax actually paid.
4. Expense reimbursements or benefits received by a parent in the course of employment or self-employment or operation of a business shall be included in gross income if they are significant and reduce personal living expenses.
5. If a parent is unemployed or working below full earning capacity, the court may consider the reasons. If earnings are reduced as a matter of choice and not for reasonable cause, the court may attribute income to a parent up to his or her earning capacity. If the reduction in income is voluntary but reasonable, the court shall balance the benefits of that parent's decisions against the financial detriment, if any, to the child. If there is no available income information, the



court shall presume that each parent is capable of earning at least the applicable minimum wage and attribute that amount to the parent. However, the court may decline to attribute income to either parent. Examples of cases in which it may be inappropriate to attribute income include, but are not limited to, the following circumstances:

- a. A parent is physically or mentally disabled.
- b. A parent is engaged in reasonable career or occupational training to establish basic skills or reasonably calculated to enhance earning capacity.
- c. Emotional or physical needs of a natural or adopted child require that parent's presence in the home.
- d. A parent is incarcerated.
- e. Any other factors beyond the parent's current control that suggest the parent's earning history is not a good indication of that parent's current ability to earn income.

The court may reduce the amount of income attributed to a parent by the reasonable childcare costs that would be necessary to earn that income.

### ***C. EXCLUSIONS FROM GROSS INCOME***

1. Gross income does not include sums received as child support or benefits received from means-tested public assistance programs including, but not limited to, Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Food Stamps

(now known as Nutrition Assistance), and General Assistance.

2. Gross income does not include benefits received on behalf of a child.
3. Each parent should have the choice of working additional hours through overtime or at a second job without affecting the child support award. Generally, the court should not include income greater than what would have been earned from full-time employment. The court may, however, include income actually earned that is greater than would have been earned by full-time employment if that income was historically earned from a regular schedule and is anticipated to continue into the future. The court should generally not include additional income if earning that additional income would require an extraordinary work regimen. Determination of what constitutes an extraordinary work regimen depends upon all relevant circumstances, including the choice of jobs available with a particular occupation, working hours, and working conditions.

### ***D. ADJUSTMENTS TO INCOME***

1. The court-ordered amount of spousal maintenance resulting from this or any other marriage, if actually being paid, shall be deducted from the gross income of the parent paying spousal maintenance. The court-ordered amount of spousal maintenance resulting from this or any other marriage, if actually being paid, shall be added to the gross income of the parent receiving spousal maintenance. Court-ordered arrearage payments shall not be included as an adjustment to gross income.



2. An amount shall be deducted from the gross income of a parent for children of other relationships covered by a court order for whom he or she is the custodial parent. The amount of the adjustment shall be determined by a simplified application of the guidelines (defined in example below).
3. The court-ordered amount of child support for children of other relationships, if actually being paid, shall be deducted from the gross income of the parent paying that child support. Court-ordered arrearage payments shall not be included as an adjustment to gross income.
4. An amount may be deducted from the gross income of a parent for support of natural or adopted children of other relationships not covered by a court order. The amount of any adjustment shall not exceed the amount arrived at by a simplified application of the guidelines (defined in example below).

### **SIMPLIFIED APPLICATION OF THE GUIDELINES**

**EXAMPLE:** A parent having gross monthly income of \$2,000 supports a natural or adopted minor child who is not the subject of the child support case before the court and for whom no child support order exists. To use the simplified application of the guidelines, locate \$2,000 in the combined adjusted gross income column of the schedule. Select the amount in the column for one child, \$418. The parent's income may be reduced up to \$418, resulting in an adjusted gross income of \$1,582.

### **E. ADJUSTED MONTHLY GROSS INCOME**

Adjusted gross income is gross income minus the adjustments provided in Section II(D) of these guidelines. The adjusted gross income for each parent shall be established. These amounts shall be added together. The sum is the combined adjusted gross income.

### **F. DETERMINING THE BASIC CHILD SUPPORT OBLIGATION**

Locate the income closest to the parents' combined adjusted income figure on the Schedule of Basic Child Support Obligations and select the column for the number of children involved. This number is the basic child support obligation. If the parents' income falls exactly in between two combined adjusted gross income amounts, round up to the nearest combined adjusted income entry on the schedule of basic child support obligations.

### **ROUNDING THE COMBINED ADJUSTED GROSS INCOME**

**EXAMPLE:** The combined adjusted gross income of the parents is \$8,125, which is exactly between \$8,100 and \$8,150. Round up to the nearest combined adjusted income entry of \$8,150 and use this amount as the basic child support obligation.

If there are more than six children, the amount derived from the schedule of basic support obligations for six children shall be the presumptive amount. The party seeking a greater sum shall bear the burden of proof

that the needs of the children require a greater sum.

If the combined adjusted gross income of the parties is greater than \$20,000 per month, the amount set forth for combined adjusted gross income of \$20,000 shall be the presumptive basic child support obligation. The party seeking a sum greater than this presumptive amount shall bear the burden of proof to establish that a higher amount is in the best interests of the children, taking into account such factors as the standard of living the children would have enjoyed if the parents and children were living together, the needs of the children in excess of the presumptive amount, consideration of any significant disparity in the respective percentages of gross income for each party, and any other factors that demonstrate, on a case-by-case basis, that the increased amount is appropriate.

### **G. ADJUSTMENTS TO THE BASIC CHILD SUPPORT AMOUNT**

#### *1. Older Child Adjustment*

The court may add to the basic child support obligation an amount for an older child adjustment. The average expenditures for children age 12 or older exceed the average expenditures for all children by approximately 10%. Therefore, the court may increase child support for a child who has reached the age of 12 years by an amount up to 10% of the child support shown on the Schedule. If the court chooses to make an adjustment, the following method of calculation shall be used:

#### **ADJUSTMENT FOR AN OLDER CHILD EXAMPLE:**

*The basic child support obligation for one child, age 12, is \$400. As much as \$40 may be added to the basic child support obligation, for a total of \$440. If not all children subject to the order are age 12 or over, the increase will be prorated as follows: assume the basic child support obligation for three children is \$687. If one of the three children is age 12 or over, assign 1/3 of the basic child support obligation to the older child (\$229). Up to 10% (\$23) of that portion of the basic child support obligation may be added as an older child adjustment, increasing the obligation to \$710. NOTE: This prorating method is limited to this section and should not be followed in Section V(B).*

#### *2. Medical, Dental, and Vision Insurance Adjustment*

State law requires orders for child support to assign responsibility for providing medical insurance for the children who are the subject of the child support order. (A.R.S. Sections 25-320, 25-500 and 25-529.) The court shall adjust the basic child support obligation to reflect the cost of the children's medical, dental, and vision insurance coverage, if any. (This provision does not imply any obligation of either parent to provide dental or vision insurance.) In determining the amount to be added, only the amount of the insurance cost attributable to the children who are the subject of the child support order shall be

included. If coverage is applicable to other persons, the total cost shall be prorated by the number of persons covered. The court may decline to credit a parent for medical, dental, and vision insurance coverage obtained for the children if the coverage is not valid in the geographic region where the children reside. The court shall not adjust the basic child support obligation for cash medical support pursuant to A.R.S. Section 25-320(K) or (L).

An order for child support shall assign responsibility for providing medical insurance for the children who are the subject of the child support order. If medical insurance of comparable benefits and cost is available to both parents, the court should assign the responsibility to the parent having primary physical custody.

### **ADJUSTMENT FOR HEALTH INSURANCE EXAMPLE:**

*Through an employment-related insurance plan, Mother provides insurance that covers Mother, one child who is the subject of the child support case, and two other children. Under the plan, the cost of an employee's individual insurance coverage would be \$50. This parent instead pays a total of \$170 for the "family option." Subtract the \$50 cost of individual coverage from the \$170 for the "family option" to find the cost of dependent coverage, which is \$120. Divide the \$120 by 3, the number of dependents covered. The cost attributable to the child who is the subject of the case is \$40.*

### **3. Childcare Costs**

The court may add to the basic child support obligation amounts for childcare appropriate to the parents' financial abilities.

If the court finds the amount of child support is sufficient to provide for childcare costs, the court may decline to include all or part of the childcare expense.

Expenses for childcare shall be annualized in accordance with Section I(B)(8).

A custodial parent paying for childcare may be eligible for a credit from federal tax liability for childcare costs for dependent children. The custodial parent is the parent who has physical custody of the children for the greater part of the year. In an equal physical custody situation, neither parent shall be entitled to the credit for purposes of calculating child support. Before adding childcare costs to the basic child support obligation, the court may adjust this cost in order to apportion the benefit that the dependent tax credit will have to the parent incurring the childcare costs.

At lower income levels, the head of household does not incur sufficient tax liability to benefit from the federal childcare tax credit. No adjustment should be made where the income of the custodial parent is less than indicated on the following chart:

MONTHLY GROSS INCOME OF THE CUSTODIAL PARENT	
ONE CHILD	\$2,100
TWO CHILDREN	\$2,600
THREE CHILDREN	\$2,700
FOUR CHILDREN	\$2,800
FIVE CHILDREN	\$3,050
SIX CHILDREN	\$3,300

If the custodial parent's income is greater than indicated on the above chart, the court may adjust this cost for the federal childcare tax credit if the credit is actually claimed or will be claimed.

For one child with monthly childcare costs exceeding \$200, deduct \$50 from the monthly childcare amount. For two or more children with total monthly childcare costs exceeding \$400, deduct \$100 from the monthly childcare amount. See Example 1.

For one child with monthly childcare costs of \$200 or less, deduct 25% from the monthly childcare amount. For two or more children with total monthly childcare costs of \$400 or less, deduct 25% from the monthly childcare amount. See Example 2.

Any adjustment for the payment of childcare costs with pre-tax dollars shall be calculated in a similar manner. A percentage adjustment other than 25% may be utilized if proven by the parent paying the childcare costs.

## **CHILDCARE COSTS**

**EXAMPLE 1:** For two children, a parent pays monthly childcare costs of \$550 for nine months of the year. To adjust for the expected tax credit benefit, first determine whether the average cost of childcare exceeds \$400 per month. In this example, because the average cost of \$413 (\$550 multiplied by 9 months, divided by 12 months) exceeds the \$400 maximum for two or more children, \$100 per month may be subtracted from the average monthly cost. For adjusted childcare costs, \$313 (\$413 - \$100) may be added to the basic child support obligation.

## **CHILDCARE COSTS**

**EXAMPLE 2:** A parent pays monthly childcare costs of \$175 for one child. Because this amount is less than the \$200 maximum for one child, multiply \$175 by 25% (\$175 multiplied by 25% = \$44). Subtract the adjustment from the monthly average (\$175 - \$44 = \$131). The adjusted amount of \$131 may be added to the basic child support obligation.

## **4. Education Expenses**

The court may adjust for any reasonable and necessary expenses appropriate to the parents' financial abilities for a child's attendance at a private or special school or necessary expenses to meet particular

educational needs of a child when such expenses are incurred by agreement of both parents or ordered by the court.

## 5. *Extraordinary Child Expenses*

The court may adjust the basic child support obligation appropriate to the parents' financial abilities to provide for the special needs of gifted or handicapped children. These guidelines are designed to fit the needs of most children; typical extracurricular and school activity expenses are not considered extraordinary expenses.

## **H. APPLYING ADJUSTMENTS**

If a parent pays for court-approved costs for health insurance, childcare costs, educational expenses, and extraordinary expenses, deduct the cost from that parent's proportionate share of income to arrive at the preliminary child support amount.

### **APPLYING ADJUSTMENTS**

**EXAMPLE:** A noncustodial parent pays for health insurance through an employer-provided plan. This cost is added to the basic child support obligation pursuant to Section II(G)(2) and then prorated between the parents to arrive at each parent's proportionate child support obligation. Because the cost has already been paid to a third-party (the insurance company), the cost must be deducted from the noncustodial parent's child support obligation because this portion of the child support obligation has already been paid.

## **I. DETERMINING EACH PARENT'S PROPORTIONATE SHARE OF THE TOTAL CHILD SUPPORT OBLIGATION**

The total child support obligation shall be divided between the parents in proportion to their adjusted gross incomes. The obligation of each parent is computed by multiplying each parent's share of the combined adjusted gross income by the total child support obligation.

**EXAMPLE:** Combined adjusted gross income is \$1,000. The father's adjusted gross income is \$600. Divide the father's adjusted gross income by the combined adjusted income. The result is the father's share of the combined adjusted gross income. (\$600 divided by \$1,000 = 60%). The father's share is 60%; the mother's share is 40%.

## **J. ADJUSTING SUPPORT AMOUNTS TO REFLECT THE PARENTING TIME ALLOCATION**

Because the Schedule of Basic Child Support Obligations is based on expenditures for children in intact households, there is no consideration for costs associated with parenting time. When parenting time is exercised by the noncustodial parent, a portion of the costs for children normally expended by the custodial parent shifts to the noncustodial parent. Accordingly, unless it is apparent from the circumstances that the noncustodial parent will not incur costs for the children during parenting time, when proof establishes that parenting time is or is expected to be exercised by the noncustodial



parent, an adjustment shall be made to that parent's proportionate share of the total child support obligation. To calculate child support in equal custody cases, see Section II(K).

For purposes of calculating parenting time days, only the time spent by a child with the noncustodial parent is considered. Time that the child is in school or childcare is not considered.

To adjust for the costs of parenting time, first determine the total annual amount of parenting time indicated in a court order or parenting plan or by the expectation or historical practice of the parents. Using the following definitions, add together each block of parenting time to arrive at the total number of parenting time days per year. Calculate the number of parenting time days arising from any block of time the child spends with the noncustodial parent in the following manner:

1. Each block of time begins and ends when the noncustodial parent receives or returns the child from the custodial parent or from a third-party with whom the custodial parent left the child. Third-party includes, for example, a school or childcare provider.
2. Count one day of parenting time for each 24 hours within any block of time.
3. To the extent there is a period of less than 24 hours remaining in the block of time, after all 24-hour days are counted or for any block of time which is in total less than 24 hours in duration:
  - a. A period of 12 hours or more counts as one day.

b. A period of 6 to 11 hours counts as a half-day.

c. A period of 3 to 5 hours counts as a quarter-day.

d. Periods of less than 3 hours may count as a quarter-day if, during those hours, the noncustodial parent pays for routine expenses of the child, such as meals.

### **PARENTING TIME**

**EXAMPLE 1.** *Noncustodial parent receives the child at 9:00 p.m. on Thursday evening and brings the child to school at 8:00 a.m. on Monday morning. The custodial parent picks up the child at 3:00 p.m. on Monday.*

a. 9:00 p.m. Thursday to 9:00 p.m. Sunday is three days.

b. 9:00 p.m. Sunday to 8:00 a.m. Monday is 11 hours, which equals a half day.

c. Total is 3 ½ days.

### **PARENTING TIME**

**EXAMPLE 2.** *Noncustodial parent picks the child up from school at 3:00 p.m. Friday and returns the child to school at 8:00 a.m. on Monday.*

a. 3:00 p.m. Friday to 3:00 p.m. Sunday is two days.

b. 3:00 p.m. Sunday to 8:00 a.m. Monday is 17 hours, which equals one day.

c. Total is 3 days.

**PARENTING TIME**

**EXAMPLE 3.** *Noncustodial parent picks up child from soccer at noon on Saturday and returns the child to custodial parent at 9:00 p.m. on Sunday.*

*a. Noon Saturday to noon Sunday is one day.*

*b. Noon Sunday to 9:00 p.m. Sunday is 9 hours, which equals ½ day.*

*c. Total is 1 ½ days.*

After determining the total number of parenting time days, refer to “Parenting Time Table A” below. The left column of the table sets forth numbers of parenting time days in increasingly higher ranges. Adjacent to each range is an adjustment percentage. The parenting time adjustment is calculated as follows: locate the total number of parenting time days per year in the left column of “Parenting Time Table A” and select the adjustment percentage from the adjacent column. Multiply the basic child support obligation determined under Section II(F) by the appropriate adjustment percentage. The number resulting from this multiplication then is subtracted from the proportionate share of the total child support obligation of the parent who exercises parenting time.\*

\* For additional information regarding parenting plans, see “Planning for Parenting Time, Arizona’s Guide for Parents Living Apart” located online at: <http://www.azcourts.gov/Portals/31/ParentingTime/PPWguidelines.pdf>. This updated guide will help parents reach agreements about parenting time with their children. Judicial officers may also find the guide helpful in cases where the court must craft the parenting time plan. The guide book is also available in Spanish.

**PARENTING TIME  
TABLE A**

Number of Parenting Time Days	Adjustment Percentage
0 - 3	0
4-20	.012
21-38	.031
39-57	.050
58-72	.085
73-87	.105
88-115	.161
116-129	.195
130-142	.253
143-152	.307
153-162	.362
163-172	.422
173-182	.486

**EXAMPLE:** *The basic child support obligation from the schedule is \$671 for two children. After making all applicable adjustments under Section II(G), the total child support obligation is \$1,105, and the noncustodial parent's proportionate share is 60%, or \$663. The noncustodial parent has parenting time with the children a total of 100 days. On Parenting Time Table A, the range of days for this amount of parenting time is from 88 to 115 days. The corresponding adjustment percentage is .161. Multiply the \$671 basic child support obligation by .161 or 16.1%. The resulting \$108 is subtracted from \$663 (the noncustodial parent's proportionate share of the total child support obligation), adjusting the child support obligation to \$555.*



As the number of parenting time days approaches equal time sharing (143 days and above), certain costs usually incurred only in the custodial household are assumed to be substantially or equally shared by both parents. These costs are for items such as the child's clothing and personal care items, entertainment, and reading materials. If this assumption is rebutted by proof, for example, that such costs are not substantially or equally shared in each household, only Parenting Time Table B must be used to calculate the parenting time adjustment for this range of days. Locate the total number of parenting time days per year in the left column of "Parenting Time Table B" and select the adjustment percentage from the adjacent column. Multiply the basic child support obligation determined under Section II(F) by the appropriate adjustment percentage. The number resulting from this multiplication then is subtracted from the proportionate share of the total child support obligation of the parent who exercises parenting time.

PARENTING TIME TABLE B	
Number of Parenting Time Days	Adjustment Percentage
143 – 152	.275
153 – 162	.293
163 – 172	.312
173 – 182	.331

## K. EQUAL CUSTODY

If the time spent with each parent is essentially equal, the expenses for the children are equally shared, and adjusted gross incomes of the parents also are essentially equal, no child support shall be

paid. If the parents' incomes are not equal, the total child support amount shall be divided equally between the two households, and the parent owing the greater amount shall be ordered to pay what is necessary to achieve that equal share in the other parent's household.

### **EQUAL CUSTODY EXAMPLE:**

*After making all applicable adjustments under Section II(G)(2-5), the remaining child support obligation is \$1,500. The parents' proportionate shares of the obligation are \$1,000 and \$500. To equalize the child support available in both households, deduct the lower amount from the higher amount (\$1,000 - \$500 = \$500), then divide the balance in half (\$500 ÷ 2 = \$250). The resulting amount, \$250, is paid to the parent with the lower obligation.*

## L. DETERMINING THE CHILD SUPPORT ORDER

The court shall order the noncustodial parent to pay child support in an amount equal to his or her proportionate share of the total child support obligation. The custodial parent shall be presumed to spend his or her share directly on the children.

**EXAMPLE:** On the schedule, the basic child support obligation for a combined adjusted gross income of \$1,500 for one child is \$327. To this the court adds \$33 because the child is over 12 years of age (10% in this example). The total child support obligation is \$360. The father's share is 60% of \$360, or \$216. The mother's share is 40% of \$360, or \$144. Custody is granted to the mother, and under the court approved parenting plan, parenting time will be exercised by the father a total of 100 days per year resulting in an adjustment of \$53 ( $\$327 \times 16.1\%$ ). After adjusting for parenting time, the father's share is \$163 ( $\$216$  less  $\$53$ ). The father shall pay the child support amount of \$163 per month. The value of the mother's contribution is \$144, and she spends it directly on the child.

### **M. SELF-SUPPORT RESERVE TEST**

In each case, after determining the child support order, the court shall perform a self-support reserve test to verify that the noncustodial parent is financially able both to pay the child support order and to maintain at least a minimum standard of living, as follows:

Deduct \$903 (the self-support reserve amount) from the noncustodial parent's adjusted gross income, except that the court may deduct from such parent's adjusted gross income for purposes of the self-support reserve test only, court-ordered arrears on child support for children of other relationships or spousal maintenance, if

actually paid. If the resulting amount is less than the child support order, the court may reduce the current child support order to the resulting amount after first considering the financial impact the reduction would have on the custodial parent's household. The test applies only to the current child support obligation but does not prohibit an additional amount to be ordered to reduce an obligor's arrears.

**EXAMPLE 1:** Before applying the self-support reserve test, the child support order is calculated under the guidelines to be \$175. The adjusted gross income of the noncustodial parent is \$978. Subtracting the self-support reserve amount of \$903 from the noncustodial parent's adjusted gross income of \$978 leaves \$75. Because this resulting amount is less than the \$175 child support order, the court may reduce the child support order to the resulting amount. However, before making any reduction, the court shall examine the self-support capability of the non-paying parent, using the same self-support reserve test applied to the noncustodial parent.

**EXAMPLE 2:** *In this example, the non-paying parent's proportionate share of the total child support obligation is calculated under the guidelines to be \$202. This parent's adjusted gross income is \$950. Subtracting the self-support reserve of \$903 from the non-paying parent's adjusted gross income of \$950 leaves \$47. Because this resulting amount is less than the parent's proportionate share of the total child support obligation, it is evident that both parents have insufficient income to be self-supporting. In this situation, the court has discretion to determine whether and in what amount the child support order (the amount the noncustodial parent is ordered to pay) may be reduced.*

### **N. ROUNDING THE FINAL SUPPORT ORDER**

1. When the final support order is insignificant, the court may round it to zero.
2. Child support shall be presumptively rounded to the nearest ten dollars.
3. A rounded amount reached by the application of paragraphs 1 and 2 is not a deviation.

### **Section III. Guideline Support Amount**

#### ***A. COURT'S FINDINGS***

The court shall make findings in the record as to: gross income, adjusted gross income, basic child support obligation, court-approved adjustments to support, total child support obligation, each parent's proportionate share of the child support obligation, and the child support order. The findings may be made by incorporating a worksheet containing this information into the file. The child support order shall be a sum certain and shall start on a date certain. A new child support order shall be filed upon any change in the amount or due date of the child support obligation.

#### ***B. EXCHANGE OF INFORMATION***

The court shall order that every 24 months, financial information such as tax returns, financial affidavits, and earning statements be exchanged between the parties. Unless the court has ordered otherwise, at the time the parties exchange financial information, they shall also exchange residential addresses and the names and addresses of their employers.

#### ***C. GIFTS IN LIEU OF MONEY***

Once child support has been ordered by the court, the child support is to be paid in money. Gifts of clothing, etc., in lieu of money are not to be offset against the child support order except by court order.

#### ***D. FEDERAL AND STATE TAX EXEMPTION FOR DEPENDENT CHILDREN***

All the federal and state tax exemptions applicable to the minor children shall be allocated between the parents as they agree, or, in the absence of their agreement, in a manner that allows each parent to claim allowable federal dependency exemptions proportionate to adjusted gross income in a reasonable pattern that can be repeated in no more than 5 years. This may be done by allocating claiming of the children or claiming of specific years. To implement this provision, the proportionate share of the combined adjusted gross income of both parents is rounded to the nearest fraction with a denominator no larger than 5 (i.e. 1/2, 1/3, 2/3, 1/4, 3/4, 1/5, 2/5, 3/5, 4/5). For illustrative purposes, assume father earns \$60,000 and mother earns \$40,000 of the combined adjusted gross income of \$100,000. Father's share of the combined income is 3/5. If father earned \$30,000 and mother earned \$20,000, then 3/5 would still be the fraction with a denominator of 5 or less that comes closest to father's share of the parents' combined adjusted gross income. The dependency exemption shall therefore be allocated utilizing this fraction. If a parent otherwise entitled to the dependency exemption would derive no tax benefit from claiming it in any given tax year, then the entire exemption for that tax year, and not just the share indicated by the preceding sentence, may be allocated to the parent who would derive a tax benefit for that tax year. An Internal Revenue Service Form 8332 may need to be signed and filed with a parent's income tax return.

The court may deny the right to a present or future tax exemption when a history of non-payment of child support exists. The

allocation of the exemption may be conditioned upon payment by December 31 of the total court-ordered monthly child support obligation for the current calendar year and any court-ordered arrearage payments due during that calendar year for which the exemption is to be claimed. If these conditions have been met, the custodial parent will need to execute the necessary Internal Revenue Service form (Form 8332) to transfer the exemption. If the noncustodial parent has paid the current child support but has not paid the court-ordered arrearage payments, the noncustodial parent shall not be entitled to claim the exemption.

### ***INCOME TAX EXEMPTION***

**EXAMPLE:** *Noncustodial parent's percentage of gross income is approximately 67% (2/3), and custodial parent's percentage is approximately 33% (1/3). All payments are current. If there are three children, the noncustodial parent would be entitled to claim the exemption for two children and the custodial parent would be entitled to claim the exemption for one child. If there is only one child, the noncustodial parent would be entitled to claim the child two out of every three years, and the custodial parent would claim the child one out of every three years.*

For purposes of this section only, a noncustodial parent shall be credited as having paid child support that has been

deducted on or before December 31 pursuant to an order of assignment if the amount has been received by the court or clearinghouse by January 15 of the following year.

### ***E. UNREIMBURSED MEDICAL EXPENSES***

The court shall also specify the percentage that each parent shall pay, in excess of cash medical support (applicable to Title IV-D cases only), for any medical, dental, and vision costs of the children that are not covered by insurance. For purposes of this paragraph, non-covered “medical” means medically necessary medical, dental, and vision care as defined by Internal Revenue Service Publication 502.

Except for good cause shown, any request for payment or reimbursement of uninsured medical, dental, and vision costs must be provided to the other parent within 180 days after the date the services occur. The parent responsible for payment or reimbursement must pay his or her share, as ordered by the court, or make acceptable payment arrangements with the provider or person entitled to reimbursement within 45 days after receipt of the request.

Both parents should use their best efforts to obtain services that are covered by the insurance. A parent who is entitled to receive reimbursement from the other parent for medical costs not covered by insurance shall, upon request of the other parent, provide receipts or other evidence of payments actually made.

### ***F. TRAVEL EXPENSES***

The court may divide parenting time travel expenses between the parents where one-way travel for parenting time exceeds 100 miles or in extraordinary circumstances. The court

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shall consider the financial resources of the parents and may consider how a parent's conduct, such as a change of residence, has affected the costs. The court may:

1. Order one parent to reimburse the other parent. The party who is entitled to travel reimbursement shall provide written evidence to the other parent of expenses

actually paid within 30 days of payment, and the other party shall reimburse the expense within 14 days of receipt of the written evidence, or

2. Assign to one parent all of the travel expenses and alter the child support to reflect the fact that the parent is paying all of the travel expenses.

## Section IV. Special Circumstances

### **A. DEVIATION**

#### **1. BY COURT**

The court may order support that is a deviation from the guidelines after considering all relevant factors, including those set forth in A.R.S. Section 25-320, and applicable case law, if all of the following criteria are met:

- a. Application of the guidelines is inappropriate or unjust in the particular case.
- b. The court has considered the best interests of the child in determining the amount of a deviation. A deviation that reduces the amount of child support paid is not, by itself, contrary to the best interests of the child.
- c. The court makes written findings in the child support order, minute entry or child support worksheet regarding (a) and (b) above, the guideline support amount and the amount after the deviation.

#### **2. BY AGREEMENT**

The court may deviate from the guidelines based upon an agreement of the parties only if all of the following criteria are met:

- a. The agreement is in writing or stated on the record pursuant to Rule 69, Arizona Rules of Family Law Procedure (*ARFLP*).

- b. All parties have entered into the agreement with knowledge of the amount of the guideline support amount.

- c. All parties have entered into the agreement free of duress and coercion.

- d. The court complies with the requirements of Section IV(A)(1).

### **3. EXAMPLES FOR DEVIATION**

Circumstances that may justify a deviation include, but are not limited to, the following:

- a. Excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common, as provided in A.R.S. Section 25-320(D)(7).
- b. Extraordinary income tax circumstances, such as either party receiving substantial tax-free income or significant pre-tax benefits.
- c. When there are more than six children for whom the child support is ordered. In cases with significant disparity of income between the custodial and noncustodial parent, a deviation may be appropriate.

### **B. MULTIPLE CHILDREN, DIVIDED CUSTODY**

When each parent is granted physical custody of at least one of the parties' children, each parent is obligated to contribute to the support of all the children. In that circumstance, separate child support



calculations should be performed for the child or children in each parent's home. The amount of the resulting child support to be paid by the parent having the greater child support obligation shall be reduced by the amount of child support owed to that parent by the other parent.

### **MULTIPLE CHILDREN, DIVIDED CUSTODY**

**EXAMPLE:** (For simplicity, this example does not consider parenting time.) Combined adjusted gross income is \$3,000 per month. Father's gross income is \$1,000 per month (33.3%) and he has custody of one child. Mother's gross income is \$2,000 per month (66.6%) and she has custody of two children.

Prepare a parent's worksheet to determine child support for children in Mother's household. Locate the combined adjusted gross income figure of \$3,000 on the schedule. Select the child support figure in the column for the two children in this household, \$863. Father's share is 33.3% of \$863, or \$287.

Prepare a parent's worksheet to determine child support for the child in Father's household. Locate the combined adjusted gross income figure of \$3,000. Select the child support figure in the column for the one child in this household, \$596. Mother's share is 66.6% of \$596, or \$397.

Mother is obligated to pay Father \$397 for child support. This amount is reduced by the \$287 obligation owed by Father to Mother. Thus, Mother shall pay \$110 per month.

### **C. MULTIPLE CHILDREN, VARYING PARENTING TIME SCHEDULE**

When there are multiple children whose parenting time schedules differ from one another, the parenting time adjustment cannot be determined with the same precision as when the children have the same schedule. In that circumstance, two separate calculations should be performed. The first should be based upon the assumption that all of the children are under the lesser parenting time schedule. The second calculation should be based upon the assumption that all of the children are under the greater parenting time schedule. The two resulting child support amounts shall represent the range of the support obligation between the two parenting time schedules. Based upon the particular circumstances of the case, the final child support obligation may be any amount that falls within the range of the two calculated figures.

**EXAMPLE:** Father's gross income is \$4,000 and Mother's gross income is \$4,000. The parties have three children, all of whom reside primarily with Mother. One of the children has 50 days of parenting time with Father and the other two children have 150 days of parenting time with Father.

Calculate the child support obligation for all three children assuming that they are each under the 50-day parenting time schedule. This results in a monthly obligation owed by Father of \$796. Then calculate the child support obligation for all three children under the 150-day parenting time

*schedule. This results in a monthly obligation owed by Father of \$145. The two resulting figures of \$796 and \$145 provide the range for the final child support obligation. Any amount within this range is considered consistent with the guidelines, and it is not a deviation.*

If it is determined that a weighted average is the most appropriate method to arrive at a precise support amount, that figure can be arrived at as follows: Begin with the support amount arrived at for the lesser number of parenting days (50 parenting days resulting in a support amount of \$796 under this example) and multiply that by the number of children that are actually under that schedule (one child under this example). Then use the support amount arrived at for the greater number of parenting days (150 parenting days resulting in a support amount of \$145 under this example) and multiply that by the number of children under that schedule (two children under this example). Add the amount determined for the lesser number of parenting days ( $\$796 \times 1 \text{ child} = \$796$  under this example) to the amount determined for the greater number of parenting days ( $\$145 \times 2 \text{ children} = \$290$ ). This total amount ( $\$796 + \$290 = \$1,086$ ) shall then be divided by the total number of children (three children under this example) to arrive at the weighted child support figure ( $\$1,086 \text{ divided by } 3 = \$362$  monthly child support obligation under this example).

### **D. THIRD-PARTY CAREGIVERS**

When a child lives with a third-party caregiver by virtue of a court order, administrative placement by a state agency,

or under color of authority, the third-party caregiver may be entitled to receive child support payments from each parent on behalf of the child.

### **E. SUPPORT ASSIGNED TO THE STATE**

If child support or cash medical support has been assigned to the state under A.R.S. Section 46-407 or A.R.S. Section 25-320(K)(1) or any subsequently adopted authorities, the obligation of a parent to pay child support or cash medical support shall not be offset by child support arrearages that may be owed to that parent. Child support or cash medical support assigned to the state may not be waived or forgiven by the custodial parent.

### **F. INCOME AND BENEFITS**

#### **1. INCOME OF A CHILD**

Income earned or money received by a child from any source other than court-ordered child support shall not be counted toward either parent's child support obligation except as described below.

#### **2. BENEFITS RECEIVED ON BEHALF OF A CHILD**

Benefits, such as Social Security Disability (SSDI) or other insurance received by a custodial parent on behalf of a child as a result of contributions made by the obligor shall be credited as follows:

- a. If the amount of the child's benefit for a given month is equal to or greater than the obligor's child support obligation, then the obligor's obligation is satisfied.

- b. Any benefit received by the child for a given month in excess of the child support obligation shall not be credited against arrears, credited toward future support payments, or subject to any claim for reimbursement.
- c. If the amount of the child's benefit for a given month is less than the obligor's child support obligation, the obligor shall pay the difference between the benefit and the child support obligation.

**3. BENEFITS NOT INCLUDED IN PARENT'S INCOME**

Benefits received by either parent on behalf of a child are not included as gross income pursuant to Section II(C)(2).

**4. DISABLED ADULT CHILD**

Pursuant to A.R.S. § 25-320(E) and A.R.S. § 25-809(F), the court may order support to continue past the age of majority for a disabled child if the child is severely mentally or physically disabled as demonstrated by the fact that the child is unable to live independently and be self-supporting. In such a case, the court may take into account income earned or money received by or on behalf of the disabled adult child against any child support obligation. **Note:** Depending upon the nature of the court order, the benefits received by the disabled adult child may be reduced.

**G. ARREARS**

- 1. When setting or modifying the amount of an arrearage payment, the court shall balance all relevant considerations including the total amount of arrears, the accruing interest, the time it will take the obligor to pay these amounts, the obligee's financial circumstances, support of other children, and the obligor's reasonable ability to pay. The court shall not set the payment on arrears at an amount less than the accruing monthly interest unless there are compelling circumstances justifying a lower payment and the court makes a finding explaining why the lower payment is justified.
- 2. When a current child support obligation terminates, the court shall consider the amount of the monthly child support obligation at the time of termination as evidence of the amount the obligor has the ability to pay monthly toward arrears.
- 3. The court may modify the amount of the payment on arrears upon a showing of substantial and continuing changed circumstances.
- 4. In setting or modifying the arrearage payment, the court shall consider whether the obligor's available income after payment of all current child support obligations and payments on arrears meets the self-support reserve test.

## Section V. Modification and Termination of Support

### *A. DURATION AND TERMINATION OF CHILD SUPPORT*

Duration of child support is governed by A.R.S. Section 25-320 and A.R.S. Section 25-501. Child support shall continue until a child reaches the age of majority unless that child is attending high school or a certified high school equivalency program at the time that the child turns 18. In that case, child support shall continue so long as the child is actually attending high school or the equivalency program, but only until the child reaches 19 years of age. In some circumstances, child support may continue after a child's 19<sup>th</sup> birthday but only if the child is severely mentally or physically disabled as demonstrated by the fact that the child is unable to live independently and be self-supporting.

The child support obligation presumptively terminates on the last day of the month of the 18<sup>th</sup> birthday of the youngest child included in the order unless the youngest child will not complete high school by age 18. In that event, the presumptive termination date shall be the last day of the month in which the child graduates from high school, stops attending high school, or turns age 19, whichever occurs first. In non-Title IV-D cases, the presumptive termination date should be included in an order of assignment. **HOWEVER, THE ORDER OF ASSIGNMENT OR INCOME WITHHOLDING ORDER MAY NOT STOP AUTOMATICALLY. IN THAT EVENT, A MOTION TO STOP THE**

**INCOME WITHHOLDING ORDER MAY BE NECESSARY. IN A TITLE IV-D CASE, THE PERSON PAYING SUPPORT MAY CONTACT THE DEPARTMENT OF ECONOMIC SECURITY, WHICH CAN ADMINISTRATIVELY STOP THE INCOME WITHHOLDING ORDER.**

An employer or other payor of funds honoring an order of assignment or an administrative income withholding order that includes the presumptive termination date and is for current child support only may discontinue withholding monies after the last pay period of the month of the presumptive termination date. If the order of assignment or administrative income withholding order includes current child support and arrearage payment, notwithstanding the presumptive termination date, the employer or other payor of funds shall continue withholding the entire amount listed on the order of assignment or administrative income withholding order until further order. For purposes of determining the presumptive termination date, it is further presumed that:

1. A child not yet in school will enter 1st grade if the child reaches age 6 on or before September 1 of the year in which the child reaches age 6; otherwise, it is presumed that the child will enter 1st grade the following year, and,
2. A child will graduate in the month of May after completing the 12th grade.

Even if a child support obligation has stopped, an order of assignment may not terminate. If the order of assignment does not stop, a specific order stopping the wage assignment must be obtained. In a Title IV-D case, the wage assignment may be stopped by contacting the IV-D agency.

### ***B. EFFECT OF EMANCIPATION***

If child support is ordered for more than one child, the amount of child support does not automatically change if one of the children graduates from high school, reaches the age of majority, dies, or is otherwise emancipated. To obtain a modification of the child support order, a request, petition or agreement must be made in writing to the court to recalculate the child support obligation pursuant to these guidelines.

### ***C. MODIFICATION***

Child support orders can be modified only by court order. An order to modify child support can be obtained through any of the following procedures:

#### **1. STANDARD PROCEDURE**

Pursuant to A.R.S. Section 25-327 and Section 25-503, either parent or the state Title IV-D agency may ask the court to modify a child support order upon a showing of a substantial and continuing change of circumstances.

#### **2. SIMPLIFIED PROCEDURE**

Either parent or the state Title IV-D agency may request the court to modify a child support order if application of the guidelines results in a final support order that varies 15% or more from the existing final support order. A 15% variation in the amount of the final support order will be considered evidence of a substantial and continuing change of circumstances. The simplified procedure also may be used by either parent or the state to establish a cash medical support order or to modify a child support order to assign or alter the responsibility to provide medical insurance for a child who is subject of a child support order. A

modification of the medical assignment or responsibility does not need to vary by 15% or more from the existing final support order to use the simplified procedure. A request for modification of the child support amount must be accompanied by the following documents: a completed and sworn parent's worksheet for child support amount, and "Affidavit of Financial Information" (see Section XIV, Rule 97, *ARFLP, Form 2*) documentation supporting the incomes if different from the court's most recent findings regarding income of the parents (including, without limit, copies of the last three years' tax returns filed by or on behalf of the applicant and/or any entity in which the applicant has an interest and the last six payroll stubs for the applicant); the last child support order entered by the court; evidence of whether the applicant, if the child support obligor, has paid child support for the past 12 months; and evidence of every category of adjustment within the child support worksheet (i.e., insurance expense, education expense, etc.). If the applicant is unable to provide documentation regarding the other parent's income or expenses, the requesting party shall indicate that the income amount for that parent is attributed or estimated and shall set forth the basis relied upon to include that income or expense figure. The state Title IV-D agency may submit a worksheet.

The simplified procedure shall not be applicable to any self-employed parties where self-employment is a significant source of income absent the agreement of both parents. If a self-employed parent files a simplified modification action, the other parent shall either file a request for hearing or an objection to simplified



process within the same time allowed to that parent to request a hearing. If the objection is timely filed, the modification matter shall be heard under the standard procedure.

If a responding party objects in writing to the simplified procedure within 20 days after service (if served in state), or 30 days after service (if served out of state), the matter shall be conducted under the standard procedure.

A copy of the request for modification of child support and the parent's worksheet for child support amount, including supporting documentation, showing that the proposed child support amount would vary 15% or more from the existing child support order shall be served on the other parent, or on both parents if filed by the state Title IV-D agency, pursuant to Rule 27, *ARFLP*.

If the requested modification is disputed, the parent disputing the modification must request a hearing within 20 days after service. If service is made outside the state, as provided in Rule 42, *ARFLP*, the parent receiving service must request a hearing within 30 days after service.

A party requesting a hearing or objection to simplified process shall file a written request for hearing or objection and, if the party is requesting a hearing, the hearing request must be accompanied by a completed and sworn parent's worksheet for child support amount. Copies of the documents filed, together with the notice of hearing or objection, shall be served on the other party and, if appropriate, the state Title IV-D agency by first class mail not less than 10 judicial days prior to the hearing.

Upon proof of service and if no hearing is requested within the time allowed, the court will review the request and enter an appropriate order or set the matter for hearing.

If any party requests a hearing within the time allowed, the court shall conduct such hearing. No order shall be modified without a hearing if one is timely requested.

The notice provision of Rule 44, *ARFLP*, does not apply to this simplified modification procedure.

A request to modify child support, request for a hearing and notice of hearing, parent's worksheet for child support amount and child support order filed or served pursuant to this subsection must be made using forms approved by the Arizona Supreme Court or substantially similar forms.

Approved forms are available from the clerk of the superior court.

### **3. BY AGREEMENT**

The parties may agree to modify a final support order. To become effective, the agreement must be in writing, signed by all parties, filed with the clerk of court, and approved by the court. If the agreed-upon amount is different from the amount calculated under the guidelines, it must be explained as required by Section IV(A) above.